

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-257-D

JOHN BEGENY,)
)
Plaintiff,)
)
v.)
)
THE HELPS EDUCATION FUND,)
INC., et al.,)
)
Defendants,)
)
THE HELPS EDUCATION FUND,)
INC.,)
)
Third-Party)
Plaintiff,)
)
v.)
)
NORTH CAROLINA STATE)
UNIVERSITY,)
)
Third-Party)
Defendant.)

ORDER

On May 2, 2024, John Begeny (“Begeny” or “plaintiff”) filed a complaint alleging, inter alia, copyright infringement against the HELPS Education Fund, Inc. (“HELPS”), William Gibson, and Erin Banks (collectively “defendants”) [D.E. 2]. On July 15, 2024, defendants answered the complaint [D.E. 8]. In defendants’ answer, HELPS asserted counterclaims against Begeny and included a third-party complaint against North Carolina State University (“NCSU” or “third-party defendant”). See id. In the third-party complaint, HELPS asserted a third-party

breach of contract claim against NCSU. See id. On September 9, 2024, NCSU moved to dismiss the third-party complaint [D.E. 25] and filed a memorandum in support [D.E. 26]. On September 30, 2024, HELPS responded in opposition [D.E. 27]. On October 14, 2024, NCSU replied [D.E. 28].

On December 6, 2024, HELPS and NCSU stipulated to dismiss without prejudice the third-party complaint against NCSU under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and 41(c) [D.E. 31]. Dismissal under Rule 41(a)(1)(A)(ii) requires the notice of dismissal to be “signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii). All parties have signed the notice of dismissal. See [D.E. 31] 2–4. Accordingly, the court dismisses without prejudice the third-party complaint against NCSU.

In sum, the court DENIES AS MOOT the third-party defendant’s motion to dismiss the third-party complaint [D.E. 25] and DISMISSES WITHOUT PREJUDICE the third-party claim against the third-party defendant.

SO ORDERED. This 17 day of March, 2025.



JAMES C. DEVER III
United States District Judge